

# EXHIBIT A

**From:** Ducayet,Patty (HHSC) <Patricia.Ducayet@hhs.texas.gov>  
**Sent:** Sunday, July 11, 2021 6:15 PM  
**To:** Logan Harrison  
**Cc:** Kirsten Mills  
**Subject:** Concerns with HB 3

Dear Mr. Harrison:

My name is Patty Ducayet and I head the Office of the State Long-Term Care Ombudsman. My office is located within HHSC and is independent within the agency to ensure I represent the interests of long-term care facility residents. Therefore, my testimony does not reflect the position or opinions of HHSC. State law governing my program can be found [here](#).

Regrettably, I was unable to provide testimony and register a position on HB 3 when it was heard by the House Constitutional Rights and Remedies Committee on July 10. Although the committee voted out the bill without amendment today, I want to share my concerns on behalf of long-term care facility residents.

**Concerns with HB 3:** Residents have a right to exercise the same rights as other Texans. Due to physical disabilities, most residents of a nursing facility or assisted living facility vote in one of two ways: by mail or by curbside at a polling site. As filed, HB 3 makes voting by mail more difficult for residents.

Essentially every long-term care facility resident is eligible to vote by mail. Though residents and society benefit from their participation and long-term care residents are a key demographic for which voting by mail was intended, voting by mail is not without challenges for a resident and shouldn't be made more difficult. Some residents rely heavily on facility staff for help with accessing information on the Secretary of State website, requesting a ballot by mail, reading and marking the ballot, and mailing a ballot.

Most sections within Article 5 VOTING BY MAIL refer to a voter's signature requirements, several of which are about a signature matching process for the purpose of verifying a voter is who they say they are. Changes in a signature due to progressive or sudden disability means a resident risks their ballot being rejected and losing their chance to vote even though the person lawfully voted. Based on my experience working with residents, I believe the proposed provisions will erode a residents' trust that a mailed ballot will be counted, leading to either apathy or a forced choice to vote in-person where physical barriers exist for many long-term care facility residents.

**To protect a resident's right to vote by mail, I recommend that ballots by mail are required to include a section for the voter to mark if the voter has a physical impairment that makes signing their signature difficult.**

I am eager to work with Representative Murr and members of the House to protect the interests of long-term care residents, including their voting rights and opportunities. If you would like to reach me, my direct office line is 512-438-4356 and my cell number is 737-704-9075.

Sincerely,



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